PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re application of

Docket No: Q76743

Pierre BONNARD, et al.

Appln. No.: 10/635,635

Group Art Unit: 2617

Confirmation No.: 8467

Examiner: Wayne HUU CAI

Filed: August 7, 2003

For: A DEVICE AND A METHOD FOR USE INA MOBILE TELEPHONE DEVICE FOR PROCESSING LOCATION DATA BY DETECTING GEOLOCATION PARAMETERS OF AN AREA OR AREAS OF A NETWORK

AMENDED APPEAL BRIEF UNDER 37 C.F.R. § 41.37

MAIL STOP APPEAL BRIEF - PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with the provisions of 37 C.F.R. § 41.37, Appellant submits the following:

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I. REAL PARTY IN INTEREST

Based on the information supplied by the Appellants, and the best of Appellants' legal representatives knowledge, the real party in the interest is the assignee, ALCATEL. The Assignment was recorded on August 7, 2003 at Reel 014380 at Frame 0434.

II. RELATED APPEALS AND INTERFERENCES

Appellants, as well as Appellants' assigns and legal representatives, are unaware of any appeals or interferences which will be directly affected by, or which directly affect or have a bearing on, the Board's decision in the pending case.

III. STATUS OF CLAIMS

Claims 1-41 are all the claims pending in the application, have been finally rejected, and are the subject of this appeal. The pending claims are set forth in the Appendix.

IV. STATUS OF AMENDMENTS

No amendments have been filed subsequent to the Final Office Action dated February 8, 2006.

V. SUMMARY OF THE CLAIMED SUBJECT MATTER

In an exemplary embodiment of the present invention, there is provided a method of treating location data for a mobile telephone device (Fig. 1, UE-i) which can move in geographical areas (Fig. 1, Cj) of a communication network, the geographical areas (Fig. 1, Cj) being defined by sets of at least one location parameter, wherein the method comprises: i) detection of the geographical area (Fig. 1, Cj) in which the mobile telephone device (Fig. 1, UE-i) is located at predetermined times, ii) temporary storage of a set of location parameters representative of the detected geographical area, iii) analysis of the sets of location parameters stored at chosen intervals, and iv) storage of each set of location parameters satisfying at least one chosen criterion. *See, e.g., claim 1, and page 1, line 32 - page 2, line 5 of the specification.*

Further, the detected geographical area set forth above can be stored temporarily in corresponding relationship to at least its time of detection. *See, e.g., claim 7 and similarly claim 28, and page 2, lines 20-21 of specification.*

Yet further, the detection mentioned above can be performed periodically. *See, e.g., claim 2 and similarly claim 25, and page 2, line 12 of specification.*

Yet further, according to the exemplary embodiment above, the method can include an additional step in which a chosen status is associated with the stored sets of location parameters, wherein at least two different sets of location parameters satisfying the criterion can be associated with the same status. *See, e.g., claim 20 and similarly claim 38, and page 2, lines 26-34 of specification.*

Yet even further, according to the exemplary embodiment above, each set of location parameters can include at least one parameter representative of a network cell identifier, wherein

some sets of location parameters can include at least one complementary parameter selected from the group including radio information representative of the received power of a base station (Node B) controlling the cell and/or the distance to the base station (Node B) controlling the cell. *See, e.g., claim 23 and similarly claim 40, and page 2, line 32 - page 3, line 2 of specification.*

In another exemplary embodiment of the present invention, there is provided a location data processing device (D) for a mobile telephone device (UE-i) which can move in geographical areas (Cj) of a communication network defined by sets of at least one location parameter. The location data processing device can include processing means (M) adapted i) to determine the geographical area (Cj) in which the mobile telephone device (UE-i) is located at predetermined times, and then to store temporarily a set of location parameters representative of the detected geographical area, and ii) to analyze the sets of location parameters stored at chosen intervals, in order to store each set of location parameters satisfying at least one chosen criterion. *See, e.g., independent claim 24, and page 2, line 35 - page 3, line 8 of specification.*

In yet another exemplary embodiment of the present invention, there is provided a location data processing device (D) for a mobile telephone device (UE-i) which can move in geographical areas (Cj) of a communication network defined by sets of at least one location parameter. The location data processing device can include processing means (M) adapted i) to determine the geographical area (Cj) in which the mobile telephone device (UE-i) is located at predetermined times, and then to store temporarily a set of location parameters representative of the detected geographical area, and ii) to analyze the sets of location parameters stored at chosen intervals, in order to store each set of location parameters satisfying at least one chosen criterion, wherein the processing means (M) are adapted to effect the status association automatically as a

function of the information. *See, e.g., claim 33, and page 2, line 35 - page 4, line 5 of specification.*

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 1, 7, 9, 11-15, 17-19, 21, 22, 24, 28-33, 35-37, 39 and 41 stand rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by Kazmi (US Patent No. 6,044,261).

2. Claims 2-6, 8, 10, and 25-27 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kazmi.

3. Claims 16, 20, 23, 34, 38, and 40 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Kazmi in view of Hussain et al. (US Patent No. 6,591,105).

VII. ARGUMENT

A. Kazmi does not anticipate claims 1, 7, 9, 11-15, 17-19, 21, 22, 24, 28-33, 35-37, 39, and 41.

A1. Kazmi does not disclose or suggest at least, "detection of the geographical area (Cj) in which said mobile telephone device (UE-i) is located at predetermined times " as recited in claim 1, and similarly recited in claims 24 and 33.

With respect to independent claim 1, Appellants submit that Kazmi does not teach or suggest at least, "detection of the geographical area (Cj) in which said mobile telephone device (UE-i) is located at predetermined times," as recited in claim 1. The Examiner cites col. 5, lines 3-45 of Kazmi as allegedly satisfying the above-quoted feature. However, the cited portion of Kazmi simply discusses the need for associating multiple home zones with a particular mobile subscriber. Nowhere does Kazmi describe that a geographical area in which a mobile telephone device is located, is detected at predetermined times.

In response, the Examiner alleges:

> The Applicant argues that Kazmi fails to teach or suggest, "detection of the geographical area (Cj) in which said mobile telephone device (UE-1) is located at predetermined times." The Examiner respectfully disagrees with the arguments because Kazmi describes how the subscriber designates a home zone 110A covering his schedules. Each subscription associated with a particular mobile subscriber is further registered storing data (see Fig. 7 and its descriptions). Thus, the scheduled stored in storage is used to detect or determined of the geographical area in which the mobile telephone device is located at a particular period of time. Hence, this detection is detected at predetermined times.

Appellants maintain the previous arguments, and further argue, contrary to the Examiner's assertions, that the data structure diagram 200 (Fig. 7 of Kazmi) is not used to detect

or determine the geographical area in which the mobile telephone device is located at a particular period of time. The data structure diagram 200 is simply a reference that identifies the home zone that a particular mobile device is associated with during a particular time. Nowhere does Kazmi disclose or suggest that the geographical area in which a mobile telephone device is located, is detected at the times shown in the data structure diagram 200. Kazmi does disclose that a home location register (HLR) is updated with a mobile station's new location when a mobile station travels into a new coverage area (see col. 6, lines 8-22), however there is no detection of a geographical area of a mobile telephone device at a predetermined time. Therefore, at least based on the foregoing, Appellants maintain that Kazmi does not anticipate the invention as set forth in claim 1. Appellants maintain that claims 24 and 33 are patentable at least based on reasons similar to those set forth above with respect to claim 1.

Appellants submit that dependent claims 7, 9, 11-15, 17-19, 21, 22, 28-32, 35-37, 39, and 41 are patentable at least by virtue of their respective dependencies from independent claims 1 and 24.

A2. Kazmi does not disclose or suggest at least, "said detected geographical area is stored temporarily in corresponding relationship to at least its time of detection," as recited in claim 7, and similarly recited in claim 28.

Further, with respect to claims 7 and 28, the Examiner cites col. 6, lines 9-31 of Kazmi as satisfying the features of these claims. However, as described above, Kazmi only describes, in part, that when a mobile station 40 associated with a subscriber travels into a coverage area being served by a particular mobile switching center (MSC) 10, the serving MSC performs a location update with the associated home location register (HLR) 70 to inform the HLR of the mobile

station's new locations and the identity of the serving MSC. Nowhere does Kazmi disclose that the geographical area is stored in corresponding relationship to its time of detection.

Further, as discussed above, the data structure diagram 200 is simply a reference that identifies the home zone that a particular mobile device is associated with during a particular time, but it does not specify a time of detection of a geographical area. Therefore, the features of claims 7 and 28 are clearly not satisfied by Kazmi.

B. Kazmi does not render obvious claims 2-6, 8, 10, and 25-27.

First, Appellants submits that claims 2-6, 8, 10, and 25-27 are patentable at least by virtue of their respective dependencies from independent claims 1 and 24.

Further, with respect to claims 2 and 25, the Examiner alleges that it is obvious to one skilled in the art that the detection is periodic since the user has to setup the schedule for the home zone. However, Appellants submit that the user setting up a schedule for a home zone in no way satisfies the feature that the detection of geographical area in which a mobile telephone device is located is performed periodically, or at regular occurring intervals.

In response, the Examiner indicates that "detecting periodically" is broad. In response, Appellants submit that even given a reasonably broad interpretation of "detecting periodically," Kazmi still does not satisfy this particular limitation. Detecting a geographical area periodically denotes that such detection is performed at regular occurring intervals. Clearly, Kazmi does not disclose or suggest that the detection of a geographical area is performed at regular occurring intervals.

Further, with respect to claim 8, this claim is patentable at least based on reasons similar to those set forth above with respect to claims 7 and 28.

C. Neither Kazmi nor Hussain renders claims 16, 20, 23, 34, 38, and 40 obvious.

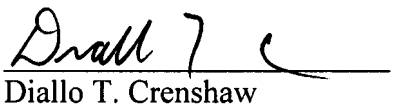
First, Appellants submit that dependent claims 16, 20, 23, 34, 38, and 40 are patentable at least by virtue of their respective dependencies from independent claims 1 and 24. Hussain does not make up for the deficiencies of Kazmi.

Yet further, Appellants submit that the features of each of claims 20, 23, 38, and 40 are not satisfied by Kazmi or Hussain, either alone or in combination. Specifically, Appellants submit that neither Kazmi nor Hussain, either alone or in combination, discloses or suggests at least, "at least two different sets of location parameters satisfying said criterion can be associated with the same status," "characterized in that some sets of location parameters include at least one complementary parameter selected from the group including radio information representative of the received power of a base station (Node B) controlling said cell and/or the distance to the base station (Node B) controlling said cell," "characterized in that said processing means (M) are adapted to associate at least two different sets of location parameters satisfying said criterion with the same status," and "characterized in that some sets of location parameters include at least one additional parameter selected from a group including radio information representative of the receive power of a base station (Node B) controlling said cell and/or the distance to the base station (Node B) controlling said cell," as recited in claims 20, 23, 38, and 40, respectively. The Examiner has not demonstrated that these particular features are satisfied in the applied references.

Unless a check is submitted herewith for the fee required under 37 C.F.R. §41.37(a) and 1.17(c), please charge said fee to Deposit Account No. 19-4880.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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WASHINGTON OFFICE
23373
CUSTOMER NUMBER

Date: August 20, 2007

CLAIMS APPENDIX

CLAIMS 1-41 ON APPEAL:

1. A method of treating location data for a mobile telephone device (UE-i) which can move in geographical areas (Cj) of a communication network, said geographical areas (Cj) being defined by sets of at least one location parameter,

characterized in that said method comprises the following steps:

i) detection of the geographical area (Cj) in which said mobile telephone device (UE-i) is located at predetermined times,

ii) temporary storage of a set of location parameters representative of said detected geographical area,

iii) analysis of said sets of location parameters stored at chosen intervals, and

iv) storage of each set of location parameters satisfying at least one chosen criterion.

2. A method according to claim 1, characterized in that said detection is periodic.

3. The method according to claim 1, characterized in that said analysis comprises determining all the sets of location parameters and then counting out each set of location parameters, and in that each set of location parameters is stored in association with a number greater than a chosen threshold, said chosen criterion consisting of crossing said threshold to a value above said threshold.

4. The method according to claim 2, characterized in that said analysis comprises determining all the sets of location parameters and then counting out each set of location parameters, and in that each set of location parameters is stored in association with a number

greater than a chosen threshold, said chosen criterion consisting of crossing said threshold to a value above said threshold.

5. The method according to claim 1, characterized in that said analysis comprises determining all the different sets of location parameters and then counting out each of said different sets of location parameters to determine their respective relative proportions, and in that each set of location parameters is stored in association with a proportion greater than a chosen threshold, said chosen criterion consisting in the crossing of said threshold to a value above said threshold.

6. The method according to claim 2, characterized in that said analysis comprises determining all the different sets of location parameters and then counting out each of said different sets of location parameters to determine their respective relative proportions, and in that each set of location parameters is stored in association with a proportion greater than a chosen threshold, said chosen criterion consisting in the crossing of said threshold to a value above said threshold.

7. A method according to claim 1, characterized in that said detected geographical area is stored temporarily in corresponding relationship to at least its time of detection.

8. A method according to claim 2, characterized in that said detected geographical area is stored temporarily in corresponding relationship to at least its time of detection.

9. A method according to claim 1, characterized in that said set of location parameters is stored, after analysis, in corresponding relationship to chosen information.

10. A method according to claim 2, characterized in that said set of location parameters is stored, after analysis, in corresponding relationship to chosen information.

11. A method according to claim 7, characterized in that said information is representative of a time interval associated with each set of location parameters satisfying said chosen criterion.

12. A method according to claim 9, characterized in that said information is representative of a time interval associated with each set of location parameters satisfying said chosen criterion.

13. A method according to claim 1, characterized in that it includes an additional step in which a chosen status is associated with said stored sets of location parameters.

14. A method according to claim 13 wherein said set of location parameters is stored, after analysis, in corresponding relationship to chosen information, and further characterized in that said status association is effected automatically as a function of said information.

15. A method according to claim 14 wherein said information is representative of a time interval associated with each set of location parameters satisfying said chosen criterion, and further characterized in that said status association is effected automatically as a function of said information.

16. A method according to claim 13, characterized in that said status association is initiated by the user of said mobile telephone device (UE-i) by selecting a status from a set of statuses displayed on a screen of his mobile telephone device (UE-i).

17. A method according to claim 13, characterized in that said status is a field associated with an operating configuration of said mobile telephone device (UE-i).

18. A method according to claim 17, characterized in that said field is selected from the group including at least "Home", "Office" and "Other" fields.

19. A method according to claim 13, characterized in that said operating configuration is defined by the user of said mobile telephone device (UE-i).

20. A method according to claim 13, characterized in that at least two different sets of location parameters satisfying said criterion can be associated with the same status.

21. A method according to claim 1, characterized in that each set of location parameters includes at least one parameter representative of a network cell identifier.

22. A method according to claim 13, characterized in that each set of location parameters includes at least one parameter representative of a network cell identifier.

23. A method according to claim 21, characterized in that some sets of location parameters include at least one complementary parameter selected from the group including radio information representative of the received power of a base station (Node B) controlling said cell and/or the distance to the base station (Node B) controlling said cell.

24. A location data processing device (D) for a mobile telephone device (UE-i) which can move in geographical areas (Cj) of a communication network defined by sets of at least one location parameter, characterized in that it includes processing means (M) adapted i) to determine the geographical area (Cj) in which the mobile telephone device (UE-i) is located at predetermined times, and then to store temporarily a set of location parameters representative of said detected geographical area, and ii) to analyze said sets of location parameters stored at chosen intervals, in order to store each set of location parameters satisfying at least one chosen criterion.

25. A device according to claim 24, characterized in that said processing means (M) are adapted to effect said detection periodically.

26. A device according to claim 24, characterized in that said processing means (M) are adapted to effect said analysis on the basis of a determination of different sets of location parameters, followed by counting out each set of location parameters, and to store each set of location parameters in association with a number above a chosen threshold, said chosen criterion consisting in the crossing of said threshold to a value above said threshold.

27. A device according to claim 24, characterized in that said processing means (M) are adapted to effect said analysis on the basis of determining different sets of location parameters followed by counting out of each of said different sets of location parameters to determine their respective relative proportions, and to store each set of location parameters in association with a proportion above a chosen threshold, said chosen criterion consisting in the crossing of said threshold to a value above said threshold.

28. A device according to claim 24, characterized in that said processing means (M) are adapted to store said detected geographical area temporarily in corresponding relationship to at least one detection time.

29. A device according to claim 24, characterized in that said processing means (M) are adapted to store said set of location parameters, after analysis, in corresponding relationship to chosen information.

30. A device according to claim 28, characterized in that said information is representative of a time interval associated with each set of location parameters satisfying said chosen criterion.

31. A device according to claim 29, characterized in that said information is representative of a time interval associated with each set of location parameters satisfying said chosen criterion.

32. A device according to claim 24, characterized in that said processing means (M) are adapted to associate said stored sets of location parameters with a chosen status.

33. A location data processing device (D) for a mobile telephone device (UE-i) which can move in geographical areas (Cj) of a communication network defined by sets of at least one location parameter, characterized in that it includes processing means (M) adapted i) to determine the geographical area (Cj) in which the mobile telephone device (UE-i) is located at predetermined times, and then to store temporarily a set of location parameters representative of said detected geographical area, and ii) to analyze said sets of location parameters stored at chosen intervals, in order to store each set of location parameters satisfying at least one chosen criterion, wherein said processing means (M) are adapted to effect said status association automatically as a function of said information.

34. A device according to claim 32, characterized in that said processing means (M) are adapted to effect said status association after selection by the user of said mobile telephone device (UE-i) of a status from a set of statuses displayed on a screen of the mobile telephone device (UE-i).

35. A device according to claim 32, characterized in that said status is a field associated with an operating configuration of said mobile telephone device (UE-i).

36. A device according to claim 35, characterized in that said field is selected from a group including at least "Home", "Office" and "Other" fields.

37. A device according to claim 32, characterized in that said operating configuration is defined by the user of said mobile telephone device (UE-i).

38. A device according to claim 32, characterized in that said processing means (M) are adapted to associate at least two different sets of location parameters satisfying said criterion with the same status.

39. A device according to claim 24, characterized in that each set of location parameters includes at least one parameter representative of a network cell identifier.

40. A device according to claim 39, characterized in that some sets of location parameters include at least one additional parameter selected from a group including radio information representative of the receive power of a base station (Node B) controlling said cell and/or the distance to the base station (Node B) controlling said cell.

41. A mobile telephone device (UE-i) able to move in geographical areas (Cj) of a communication network defined by sets of at least one location parameter, characterized in that it includes a processing device (D) according to claim 24.

EVIDENCE APPENDIX:

NONE.

RELATED PROCEEDINGS APPENDIX

NONE

PATENT APPLICATION

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In re application of

Docket No: Q76743

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Examiner: Wayne HUU CAI

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For: A DEVICE AND A METHOD FOR USE IN A MOBILE TELEPHONE DEVICE FOR PROCESSING LOCATION DATA BY DETECTING GEOLOCATION PARAMETERS OF AN AREA OR AREAS OF A NETWORK

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF UNDER 37 C.F.R.§ 41.37

MAIL STOP APPEAL BRIEF -- PATENTS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

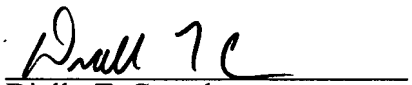
In response to the Notification of Non-Compliant Appeal Brief dated July 18, 2007, Appellants respectfully submit that the accompanying new Amended Appeal Brief complies with the rules and therefore requests an Examiner's Answer.

Appellants respectfully request that the Examiner contact the undersigned if there are any unresolved issues.

RESPONSE TO NOTICE OF NON-COMPLIANT APPEAL BRIEF
ATTORNEY DOCKET NO. Q76743
U.S. Application No. 10/635,635

Although Applicant believes that no fee is due, the USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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CUSTOMER NUMBER

Date: August 20, 2007 (August 18, 2007 falling on a weekend)